IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 12105 of 2007(N)

PETITIONER:

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1. SOHAIL ABDUL SALIM, S/O ABDUL SALIM,
   SOHNA, PAYYAPPILLY LANE, ALUVA 683 101.

2. CHINU SALAM, W/O SOHAIL ABDUL SALIM,
   SOHNA, PAYYAPPILLY LANE, ALUVA 683 101.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

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1. THE STATE OF KERALA, REP.BY ITS SECRETARY
   TO THE DEPT. OF REGISTRATION,
   GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUB REGISTRAR, ALUVA, OFFICE OF THE
   SUB REGISTRAR, ALUVA.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.12105 of 2007

Dated this the 9th day of April, 2007

JUDGMENT

The petitioners are man and wife. Their marriage was solemnised in the year 2003 in accordance with their religious rites. They now want to register their marriage under the Special Marriage Act. However, they cannot wait for the 30 days statutory period prescribed under the Act for registration of the marriage. The petitioners therefore seek a direction to the second respondent to register the marriage dispensing with the statutory notice of 30 days. The petitioners rely on the decisions of **John Roji v Marriage Officer (20**04(1) KLT 687) and **John Lukose v District Registrar** (2007(1) KLT 247).

2. I am of the opinion that when a statute prescribes a particular mode of doing things, the same shall be done only in accordance with the procedure prescribed and in no other mode. When the statute prescribes a minimum statutory notice period of 30 days, this Court has no power to direct the second respondent

to register the marriage dispensing with the said notice period.

3. As far as the decision in John Roji's case is concerned, that decision has been overruled by a Division Bench. The decision reported in **John Lukose v District Registrar** (2007(1) KLT 247) makes it abundantly clear that the same was rendered in view of the particular facts of the case as a special case and not as a precedent.

4. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction in favour of the petitioner and accordingly the writ petition is dismissed.

S.SIRI JAGAN, JUDGE

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